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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 18

Application Number: 08/985,576
Filing Date: 12/05/97
Appellant(s): Larry A. Westerman

Kevin L. Russell
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed 4/17/01.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 1-5, 7-14 and 16-35 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,627,586	Yamasaki	5-1997

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamasaki (5,627,586).

Regarding claims 1, 12, 19, and 27-29 Yamasaki et al discloses,

(A) an imaging device that at least one of the obtains and presents at least one image (note fig. 1 block 10). (Shows a video camera. It is inherent for a camera to obtain and present at least one image.);

(B) an eye gaze system associated with said imaging device that determines a non-closed loop portion including multiple points of said at least one image that an eye of a viewer observes wherein said viewer observes each of said multiple points (note specification page 8, lines 22-25)(Yamasaki, fig. 4,5, and 6 in connection with col. 6 lines 7-10) (The examiner interprets normal gaze information viewed observing, as opposed to a closed loop region as Gaze information being a non-closed loop region, within a non-closed region there a multiple points. Figure 6 shows an image plane, wherein normal gaze information is viewed by viewer.) (For clarification, figure 6 shows image plane 66 having detection region 68 that contains multiple pixel points as explained in the arguments)

(C) said image system associating said at least one image with said portion of said at least one image (note fig. 6). Wherein the s1 is a region in the image plane, thus there is some association with the image. (For clarification, in figure 6 block 68, the system associates the image plane, with motion vectors. The motion vectors associates by point matching image according to position at present(T0) and after a present period (T1). This processes clearly displays association of image with each of the multiple of points of the non closed-loop portion.)

(D) an image processor that identifies the content represented by said at least one image based on the content of the image together with said portion (note fig. 1, block 18; Shows processing unit)

Regarding claims 2, 19, and 29 Yamasaki disclose,

wherein said imaging device is at least one of a film based camera, a digital based still camera, and a digital based video camera (note fig. 1 block 10). The imaging device is described as a video camera.

Regarding claim 3 Yamasaki disclose,

wherein said imaging device presents said at least one image to said user at a time subsequent to recording said image. This is inherent in a camera to present an image to a user at a time subsequent to recording an image.

Regarding claims 4, 20 and 30 Yamasaki disclose,

where said eye gaze system is integral with said imaging device (Yamasaki; note fig 3 in connection with col 6. lines 1-2). Eye gaze system is a member of the video camera.

Regarding claims 5, 7, 14-16, 21-23 and 31-33 Yamasaki disclose,

wherein said non-closed loop portion is within said at least one image (Yamasaki; fig. 6, block 68). The examiner interprets the block 68 to be an image plane (image). Non closed loop

is within the image plane. Non closed loop is a point with the image zone. Non closed loop is a region of the image zone.

Regarding claims 8, 24, and 34 Yamasaki disclose,

wherein said image system associated is storing said loop portion on a recording media of said image device (Yamasaki; note col. 2 lines 30-35). The image device stores image signal of images within image zones.

Regarding claims 9, 25, and 35 Yamasaki disclose,

wherein said loop portion is used at the basis to define a closed loop portion (Yamasaki; note fig. 2a). Figure shows a gazing point of the image plane examiner interprets as closed loop. Take points within non-closed loop defines the closed loop portion.

Regarding claims 10, Yamasaki disclose,

wherein said at least one image is said obtained substantially contemporaneously with said non-closed loop portion (Yamasaki, note fig. 6). The examiner interprets image plane as an image. Once the tracking system is focus on a loop it is occurring contemporaneously with the image plane.

Regarding claim 11 Yamasaki disclose,

further comprising an image processor that identifies the content of said at least one image based on the content of the image together with said non-closed loop portion (note fig. 1 block 18). The examiner interprets the CPU as image processor which identifies the contents of the whole image plane.

Regarding claim 13 Yamasaki disclose,

wherein said gaze information is transformed into a closed loop portion of said image and said image processor analyzes said image based at least in part on said image itself together with said closed loop portion to determine the content of said image (note col. 3 lines 47-50). The correlation calculation means analyze the image signals with reference signals. This is done in the cpu.

Regarding claim 17 Yamasaki disclose,

wherein said image processor includes at least one of shape identification, texture identification, color identification, and spatial identification (note fig. 12 in connection with col. 5 lines 23-25). Yellow and cyan separation identifies color.

Regarding claims 18 Yamasaki disclose,

further comprising storing said content in a database (note fig. 1 block 22 and 24). The examiner interprets ram and rom as data base where information is stored.

(11) Response to Argument

I Appellant argues the viewers does not observe s1-s4 in combination with the eye gaze system nor do the regions s1-s4 have any relationship to the eye gaze system.

In reply, the examiner notes Yamasaki teaches a camera system (i.e. the eyegaze system) having a moving body detection device. The moving body detection device determines the moving body detection zone 68 and motion detection area s1 to s4 (col. 6 lines 40-52 and fig. 6). Yamasaki also teaches the camera system obtains motion vector detection areas S1 to S4 to determine the movement of the camera (note col. 6 lines 49-52). The motion vector detection areas S1-S4 are located within the image plain 66, as shown in figure 6. A moving body detection zone 68 is selected in the image plane 66 based on the vector detection areas S1-S4. The moving body detection zone 68 is divided into nine blocks tracking zones (a11 to a33) (see fig. 7a). These nine tracking zones contains multiple pixel points (note col. 6 lines 60-62) in the image plane 66 and are associated to the image by determining motion vectors between images. The motion vector associates the nine tracking zones to the image by taking a difference between positions at a present and timing after a present period of time (col. 7 lines 10-17).

Thus, associating an image with the multiple points of an image, as claimed.

II. Appellant argues Yamasaki fails to disclose non-closed loop portion includes multiple points of the at least one image that an eye of a viewer observes, wherein the viewer observes each of the multiple points.

In response, the examiner reiterates that the vector detection zone 68 within the image plane 66, comprising multiple pixel points P11 to P44. The vector detection zone viewed by the operator, (viewer), through the camera 10.

For the above reasons, it is believed that the rejection should be sustained.

Respectfully submitted,

G.D
June 28, 2001

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